

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

- - - - - x
:
CARYN DEVINS STRICKLAND, :
:
Plaintiff, :
vs. : Case No. 2021-2071
:
UNITED STATES, et al., :
:
Defendants. :
:
- - - - - x

WASHINGTON, D.C.

THURSDAY, APRIL 27, 2023

=====
CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
=====

DEPOSITION OF

JILL LANGLEY

called for examination by counsel for the Plaintiff,
pursuant to notice, at the offices of Caleb Andonian,
PLLC, 1100 H Street, NW, Suite 315, Washington, D.C.,
commencing at 9:29 a.m. and concluding at 2:45 p.m.,
before Kirk A. Sturges, a Notary Public for the
District of Columbia.

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ALSO PRESENT (VIA REMOTE PLATFORM ZOOM)

Kristin Mannherz
Caryn Devins Strickland

C O N T E N T S

WITNESS: JILL LANGLEY

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1 A I feel like I'm the Oscars people where
2 you don't name everybody.

3 Q There also no music to drag you out.

4 A It's going to kill me that I can't think
5 of Marc's last name right now, but I'm getting old.

6 Q You became the judicial integrity officer
7 in 2018.

8 A December of 2018.

9 Q Okay.

10 A Although I started working in January,
11 that's when I was hired.

12 Q And tell me what the role was as the
13 judicial integrity officer?

14 A There was a federal judiciary workplace
15 conduct working group that recommended -- issued a
16 report in June of 2018 that had recommended the
17 creation of a national office.

18 I don't remember, specifically, what the
19 report envisioned as the role.

20 My best recollection is that the report
21 envisioned the role as being a national resource that
22 would be easy for any judiciary employees to locate

1 and find and that it would be a resource outside of
2 someone's court or employing office, if that's where
3 they felt more comfortable.

4 I believe it was also envisioned as an
5 office that could provide training and education more
6 nationally.

7 Certainly, it was envisioned as an office
8 that could provide advice and guidance about the
9 employment protections in the EDR plan and the
10 process for seeking remedies and resolutions under
11 the EDR plan.

12 Q I think you just said that the report
13 that recommended this was in July of 2019.

14 A June of 2018.

15 Q June. Okay. I just wanted to make sure
16 I got the date.

17 A Did I say that? Huh.

18 Q That's okay. They had a supplement in
19 the summer of 2019?

20 A Well, no. But I'm surprised I said that
21 because I know it wasn't July of 2019.

22 Q That's why I asked.

1 judiciary has received training on the EDR policy?

2 A I can't imagine anything is 100 percent,
3 but I know that it's offered.

4 Q Was that a priority for you as the
5 judicial integrity officer?

6 A Yes.

7 Q Did you work hard to accomplish that
8 goal?

9 A Yes.

10 Q What did you do?

11 A Well, first, developing my training
12 suggestions and then making it available. I posted
13 it on the JNET so that anyone could copy it and use
14 it as a foundation to improve it or whatever, but at
15 least you had something to work from.

16 I invited people to listen to my training
17 to see if they could -- particularly new circuit
18 directors -- to listen in on how I do training. We
19 now all learn from each other and here each other's
20 and improve that way.

21 The revised model plan that we changed in
22 2019 requires that the training be held annually, be

1 offered annually, whereas the older EDR plan just
2 said provide training but didn't have that annual
3 requirement.

4 Q Is the training mandatory?

5 A It's not mandatory that people attend.
6 It's mandatory that it be offered.

7 Many of the courts that I do provide the
8 training in -- each Court makes it's own rules, but
9 many of the courts do on their own require their
10 mandatory attendance; but that's a court-by-court
11 decision.

12 Q Have you ever consulted with people in
13 other kinds of workplaces about how they handle
14 issues of workplace misconduct?

15 A No. I have read things, but I haven't
16 ever had like a consultation with others.

17 I pay attention to those kind of topics.
18 I read those kind of topics in different forums but
19 not that I have actually consulted.

20 Q What have you read?

21 A Oh, anything on the Internet, books -- I
22 don't know -- all kinds of thing. I mean, everything

1 that you come across, I couldn't possibly name what.

2 Q Are there any specialized list serves
3 that you read or follow?

4 A I wouldn't even know what a list serve
5 is; so, no.

6 Q Have you ever spoken with employees or
7 people involved with judiciary systems in other
8 countries who are working on issues of workplace
9 harassment?

10 A No.

11 Q Are you aware of any other countries
12 working on issues of workplace harassment in the
13 judiciary?

14 A It's not something I've ever paid
15 attention to; so, no.

16 Q So, I think turning to your trainings
17 that you've developed, do court decisions provide the
18 definitions and standards that the judiciary applies
19 through the EDR?

20 A Oh, you are really going to have to start
21 that one over again.

22 Q Where did the definitions and standards

1 that the judiciary applies through its EDR plan come
2 from?

3 A What definitions?

4 Q Does the EDR plan have definitions of
5 workplace harassment?

6 A Yes.

7 Q Discrimination?

8 A Yes.

9 Q Where do those definitions come from?

10 A They are grounded in the employment laws
11 that we mirror.

12 Q Do you think that it's important that
13 people be trained before they participate as an EDR
14 investigator?

15 A Yes.

16 Q Are you aware if the EDR investigator in
17 this case was trained?

18 A I don't know anything about the
19 investigator in this case.

20 Q Do you think it's important that
21 mediators be trained?

22 A Yes.

1 Q Are you aware that the mediator in this
2 case was not trained?

3 A I'm not aware of anything about the
4 mediator in this case.

5 Q Is there mandatory training for people
6 who actually are participating in administering the
7 EDR process, or is that also court by court?

8 A The new model EDR plan adopted in 2019
9 has a training and certification program that I
10 created and now it's -- one of the statements in the
11 model EDR plan is that to be designated as an EDR
12 coordinator, you have to go through the training
13 course.

14 Q Why did you think that was important?

15 A Because I think EDR coordinators need to
16 understand what their role is and what their
17 responsibilities are and understand, have some
18 familiarity with what they're doing.

19 Q But prior to 2019, that did not exist?

20 A That's true.

21 Q When did you first hear about
22 Ms. Strickland?

1 have a dim memory at the end of the year of it being
2 about 100 but I'm going from -- I'm guessing.

3 Q And what about 2020?

4 A I'm guessing it was about the same.

5 Q This would have been your fourth inquiry
6 as the judicial integrity officer?

7 A Yes. Because I started in the middle of
8 January and this was like four weeks later.

9 Q As the judicial integrity officer, what
10 did you advise employees to do if they experienced
11 harassment?

12 A To report it to the people who could stop
13 it.

14 Q Did you participate in creating training
15 for the Federal Judicial Center?

16 A They had a preventing workplace
17 harassment program that I had heard given at several
18 courts that I thought was not contemporary. It was
19 like it was a video. It wasn't horrible.

20 But it wasn't tailored to the judiciary.
21 It was focused on what an employee might do in a
22 corporate setting in terms of going to H.R. So, it

1 didn't describe any of our EDR options. It didn't
2 describe EDR coordinators.

3 So I drafted and sent to -- but I don't
4 know what they ever did with it. But I sent my
5 suggestions for how they could change it, but I don't
6 think I've ever seen it come out of the FJC as them
7 having actually changed the programming.

8 (Langley Deposition Exhibit No. 52
9 was marked for identification.)

10 BY MS. WARREN:

11 Q Ms. Langley, this seems to be one of the
12 trainings from the Federal Judicial Center; is that
13 right?

14 A I don't recognize this, so I don't -- I
15 can't tell you what it is or isn't.

16 Q Okay.

17 A I don't know if it's what I drafted. I
18 don't know if it's what I drafted.

19 I mean, as I'm looking at it, I remember
20 one of the things I disliked about it was I don't
21 like to make big distinctions between quid pro quo,
22 harassment, and harassment.

1 So, I just don't remember. I just don't
2 recognize this specifically.

3 Q Why don't you like to make big
4 distinctions between quid pro quo harassment and
5 harassment?

6 A I think legally it's not a distinction
7 that's often made in Title VII anymore.

8 I don't think any employees need to know
9 Latin to understand harassment. They need to know
10 it's wrong however it happens.

11 So I don't think it's beneficial to try
12 to educate employees on legal topics. I like to keep
13 it simple and straightforward.

14 Q So, as you look at this document, you
15 don't know if they incorporated your drafts?

16 A I don't.

17 Q Do you want to take a second to look at
18 it and see if you recognize anything that you would
19 have provided?

20 A So I don't know how to answer it because
21 I don't quite know what this is, and so I don't know.

22 What I'm remembering -- it did have a

1 PowerPoint part of it and maybe this was part of it.
2 So what I'm remembering more is that there was a
3 video. So, there was a PowerPoint presentation; but
4 what stands out more is the video that went with it.

5 I don't know if this is the PowerPoint
6 that accompanied the video that I saw, although the
7 title of what I saw was "Preventing Workplace
8 Harassment" and it was put out by the Federal
9 Judicial Center.

10 Q What was the video?

11 A So it was very '80s era, seriously; and
12 it was employees in an open office setting.

13 The only scenario I remember -- but I
14 think there were two or three -- but the one that for
15 whatever reason stands out is that one of the actors
16 playing an employee had like a Buddha statue on their
17 desk and the co-worker makes fun of it.

18 I do think there was more than one
19 example. Like someone else was made fun of for
20 something.

21 And then I remember that the employee
22 goes to head of H.R., talks to H.R. about it; and

1 then H.R. talks to the manager about it, but I don't
2 remember the specifics of what they said but
3 something about we have to take this seriously or we
4 have to do something. Then there was a PowerPoint
5 presentation that went with it.

6 Q Did you watch them give this training?

7 A Yes. Three different times at three
8 different courts, I saw someone give this
9 presentation.

10 I think mostly before I became the
11 judicial integrity officer I had seen it either at
12 courts in my circuit that had invited me to come be
13 part of the training is what I think had happened.

14 Q As the judicial integrity officer, did
15 you work with the FJC on their trainings?

16 A So when I became the judicial integrity
17 officer -- yes -- I contacted different people at the
18 FJC and said, "I really think we need to update this
19 training. I think that it's visually dated. I think
20 that it's not helpful to employees to not explain the
21 EDR process. I think they need to know the judiciary
22 system, and so I wanted them to do that.

1 The quid pro quo thing I remember just
2 being bothered by if I'm a non-lawyer and I'm seeing
3 a bunch of Latin words on the screen, that doesn't
4 seem welcoming to me. It doesn't seem informative to
5 me.

6 So, those kind of tinkering-withs I know
7 I wanted to change; and I talked to different people
8 about it at different times to see if we could update
9 it.

10 Q And many of the employees of the federal
11 judiciary are not lawyers, is that right?

12 A Many of the --

13 Q Federal judiciary employees are not
14 lawyers.

15 A Right. Of course, yes. Right.

16 Q Would you say the majority are not
17 lawyers?

18 A I couldn't tell you.

19 I mean, I'm making it up, I think, yes;
20 but I don't know. But yes, I think so.

21 I mean, obviously, we are dealing with
22 legal issues. It's not like we're working at a bank

1 used which is why it's unfamiliar to me. And so I
2 think the same thing is that I think Caryn told me
3 that someone told her, and so I am writing down her
4 words to me.

5 MS. WARREN: Yes.

6 BY MS. WARREN:

7 Q Were you concerned that the complaint
8 process would need to be abated during the wrongful
9 conduct investigation?

10 MS. YOUNG: Objection. Form.

11 THE WITNESS: I'm trying to think of the
12 right word.

13 That's never how I have envisioned the
14 process working.

15 BY MS. WARREN:

16 Q And why not?

17 A First, you have a limited amount of time
18 under the EDR plan from when the alleged wrongful
19 conduct happens to file to start the prerequisites.
20 Your request for counseling has to be filed within,
21 under the model plan, 30 days. I'm assuming
22 that's -- I'm going from memory, but I think that's

1 what the Fourth Circuit was. So you have a limited
2 amount of time. Now, granted, that can be extended;
3 but that's reason one.

4 It to me should always be the employee's
5 choice as to when they initiate that process as to
6 being told.

7 I don't have a -- I see nothing in the
8 EDR plan that says someone can tell you we are not
9 letting you file something.

10 So, the concept of saying something had
11 been abated as if she had not agreed to that is not
12 something that I had ever heard of or understood as
13 part of the EDR process.

14 But I didn't know what she meant by that.
15 That's her words.

16 Q Did you ask her to explain?

17 A I could not tell you now what I said or
18 didn't say. I don't remember, specifically.

19 Q Do you think you would have?

20 MS. McMAHON: Objection. Calls for
21 speculation.

22 THE WITNESS: I remember that one of the

1 mediation stage and that she had waited months and
2 had not heard back.

3 Q How did you respond to that?

4 A What I remember telling her was that I
5 didn't understand the concept at all of disqualifying
6 the party from representing itself.

7 And so I do -- I don't know what I said
8 to her about the delay in getting an answer back but
9 I remember -- and am seeing in my notes -- thinking
10 that it would surprise me if disqualifying the
11 defendant from being the defendant would be granted.

12 Q Did you talk with Caryn about remedies at
13 the complaint stage?

14 A I don't remember.

15 The only question -- the only topic that
16 I remember coming up late in our meeting was her
17 asking what would happen if the defender, like if the
18 presiding judicial officer at the end of the
19 complaint stage -- because that's when remedies
20 happen, after there has been a decision on the
21 merits -- what would happen if the defender refused
22 to comply with the orders.

1 Q And --

2 A And I said I didn't remember what -- I
3 was not familiar with the -- how a defender could be
4 unappointed.

5 In contrast, if I'm a court employee and
6 the presiding judicial officer orders the clerk of
7 court to provide some remedy, the clerk of court, I
8 understand, is in a very direct employment
9 relationship with the chief judge and the judges on
10 the court.

11 And what I remember telling Caryn is I
12 literally did not know enough about the relationship
13 between a defender -- and I'm talking about the unit
14 executive defender -- and the judges on the Court of
15 Appeals. And so I remember telling her that I didn't
16 know what would happen.

17 I certainly told her that they are
18 obligated -- a defender would be obligated under the
19 plan to take those remedies and to comply with the
20 order, but I didn't know what would happen if they
21 refused to follow that.

22 Q Do you know -- I'm just trying to make

1 sure I understand your answer.

2 Are you saying that you didn't know if
3 the Court -- if a presiding judicial officer would
4 have authority to enforce remedies ordered under the
5 plan against the defender?

6 A No. I knew that they had the power to
7 enforce it.

8 But the mechanics of what does that
9 enforcement mean, what I didn't know was would they
10 have the power to fire the defender for failing to
11 comply with a presiding judicial officer decision.

12 And after our meeting, I did learn about
13 a statute that describes how a defender can be
14 removed from office for misconduct in office or
15 neglect of duty; and as a lawyer I would make the
16 argument that failing to comply with a presiding
17 judicial officer's order would be neglect of duty.

18 So, I didn't know that.

19 Q At the time.

20 A So that was -- my answer to her was, "I
21 don't know what would happen."

22 Q Okay.

1 A But I also want to be clear when you talk
2 about remedies I am talking exclusively about a
3 post-decision remedy ordered by a presiding judicial
4 officer at the end of the complaint stage --

5 Q I understand?

6 A -- not settlement resolutions or other
7 informal resolutions. I'm talking about remedies
8 under the EDR plan.

9 Q Does the EDR plan contemplate any
10 distinction between someone's interests as, say, a
11 unit executive and their interests if they are also
12 an accused party?

13 A Say it again.

14 (The following was read back by the
15 court reporter:

16 QUESTION: Does the EDR plan
17 contemplate any distinction between
18 someone's interests as, say, a unit
19 executive and their interests if
20 they are also an accused party?

21 THE WITNESS: So you are going to have to
22 excuse me, but I'm going to stop and reread this to

1 A Yes.

2 Q You then said, "I've trained EDR
3 coordinators in the 10th Circuit, but I think that
4 needs to be nationalized."

5 Why did you think that?

6 A For the same reasons I just said.

7 Q "And I'd like to better understand if
8 FPDs are adequately protected by EDR remedies."

9 MS. McMAHON: Objection.

10 MS. YOUNG: Objection. Form.

11 THE WITNESS: What is your question? I'm
12 sorry.

13 BY MS. WARREN:

14 Q What did you mean by that?

15 A That was Caryn had asked me what would
16 happen if the defender didn't comply with the
17 presiding judicial officer's remedies at the end of
18 the complaint stage; and I did not at that time know
19 enough about the appointment, reappointment, and
20 removal of defenders to know what would happen. They
21 are different than the unit executive in the court
22 which is clearly governed by, supervised by, and

1 works at the pleasure of the chief judge and the
2 judges on that court.

3 And so I just didn't know the answer to
4 that particular question, and I had said I wanted to
5 find that out.

6 Q Did you ever tell Caryn the answer to
7 that question?

8 A I don't think I did. No.

9 Q Has your office -- did the Office of
10 Judicial Integrity provide EDR interpretive
11 guidelines to courts?

12 A Yes.

13 Q Did they provide national training to EDR
14 coordinators?

15 A Yes.

16 Q You were part of a 2018 working group.

17 A I was.

18 Q Why was that working group convened?

19 A It was in response to the recommendations
20 in the June 2018 workplace conduct working group.

21 Q Sorry. The working --

22 A The workplace conduct working group

CERTIFICATE OF NOTARY PUBLIC

I, Kirk A. Sturges, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me by machine shorthand and thereafter reduced to typewriting, by myself; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



A handwritten signature in blue ink that reads "Kirk A. Sturges". The signature is written in a cursive style with a large, stylized "K" and "S".

Kirk A. Sturges, Notary Public for
the District of Columbia

My Commission Expires:

August 14, 2027